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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,627	03/31/2004	Michael Page	61282-073	3846

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EXAMINER
SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
2615	

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12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,627	PAGE, MICHAEL	
	Examiner	Art Unit	
	Daniel R. Sellers	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 1-6** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tsuk et al., US 2003/0076301 A (hereinafter Tsuk)

4. Regarding **claim 1**, Tsuk teaches a digital audio system (Fig. 7B) comprising:

a reproduction unit to reproduce digital audio signals from a signal source controlled by a control device (¶ 0068),
wherein the control device is provided with a manually operable input arrangement which is movable in two directions such that movement in a first direction causes the reproduction of a portion of the signals to be skipped and movement in a second direction causes the reproduction of a portion of the signals to be repeated (¶ 0044, 0062, and 0069), *and*
when the manually operable input arrangement is moved in the first direction the portion of signals is periodically skipped with the size of the portion skipped depending on the rate of movement (¶ 0044, 0052, 0058, and 0060).

5. Regarding **claim 2**, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tsuk teaches a system wherein

the manually operable input means is movable in forward and reverse directions to control the reproduction of the audio signals (¶ 0062 and 0069).

6. Regarding **claim 3**, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tsuk teaches a system wherein

the audio signals are digitally encoded and divided into consecutive blocks (¶ 0064, wherein an MP3 file consists of consecutive samples of audio grouped in frames, or blocks), *and*

the portion is a whole number of consecutive blocks (inherent because a frame of MP3 data is the basic unit of an MP3 data stream).

7. Regarding **claim 4**, the further limitation of claim 3, see the preceding argument with respect to claim 3. Tsuk teaches a system wherein

if the rate of movement in the first direction exceeds a predetermined threshold, a complete section of audio signal is skipped (¶ 0058, 0061, and 0062).

8. Regarding **claim 5**, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tsuk teaches a system wherein

the amount of movement of the manually operable input arrangement determines the size of the portion of the audio signal to be repeated or skipped (¶ 0061).

9. Regarding **claim 6**, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tsuk teaches a system wherein

consecutive reproduction of the audio signals recommences when any movement of the manually operable input arrangement has ceased, from a point determined by the amount of movement of the manually operable input arrangement (Figure 1).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuk as applied to claim 1 above, and further in view of Ohmura et al., US 6,937,732 B2. (hereinafter Ohmura).

12. Regarding **claim 7**, the further limitation of claim 1, see the preceding argument with respect to claim 1. Tsuk teaches a system with the features of claim 1, wherein the signal source is a hard drive (¶ 0066). The hard drive may be a removable digital memory device; however this is not disclosed or alluded to.

Ohmura teaches a similar portable audio device (Figure 2, unit 200a), wherein the digital memory device is removable (Column 14, lines 44-49). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Tsuk and Ohmura for the purpose of using a more flexible memory storage option. It is well known that removable memory devices provide flexibility of transporting data in a small form factor.

13. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tsuk and Ohmura as applied to claim 7 above, and further in view of Fish et al., US 6,952,576 B2 (hereinafter Fish).

14. Regarding **claim 8**, the further limitation of claim 1, see the preceding argument with respect to claim 1. In the combination of Tsuk and Ohmura, Ohmura teaches a portable device (Column 9, lines 9-25), wherein the signal source of any portable device is broadcast to a car-mounted device (Figure 2, unit 100) and to other portable audio devices (Figure 2, unit 200b, Column 9, lines 26-34, and Column 15, lines 34-45). Furthermore, Ohmura teaches the car-mounted apparatus (100) also receives AM/FM broadcast signals, wherein the apparatus (100) can store these received signals

(Column 8, lines 5-14 and 43-49). However, neither Tsuk nor Ohmura teach a buffer memory for storing a portion of the most recently broadcast signals.

Fish teaches an automobile entertainment device, wherein the device receives broadcast content (Column 3, lines 9-19 and Column 4, lines 11-18). Fish further teaches a buffer to pause, resume, fast forward, and rewind live broadcast content (Column 4, lines 38-43). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Tsuk, Ohmura, and Fish for the purpose of buffering the local broadcasts of the portable audio players for quicker access. The memory would enable the portable players to buffer content without querying the remote device to rebroadcast information.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Macintosh News Network, Inc. (http://www.macnn.com/print/13237) - teaches "track scrubbing" (the ability to move to any point in a currently playing track using the scroll wheel);

Ogata et al. (USPN 6,509,848) teaches pressure sensitive trick play (Fig. 1-10); and

Birmingham et al. (USPN 6,868,224) teaches trick play in an audio system (Col. 2, lines 7-35).

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRS

SINH TRAN
SUPERVISORY PATENT EXAMINER